

MINUTES
KENTUCKY BOARD OF PHARMACY
Spindletop Administration Building, Suite 302
2624 Research Park Dr.
Lexington, Kentucky
June 7, 2006

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at Spindletop Administration Building, Suite 302, 2624 Research Park Dr., Lexington, Kentucky. President Naseman called the meeting to order at 9:23 a.m.

Members present: Greg Naseman, Peter Orzali, Mike Leake, Catherine Shely, Sandy Simpson and Patricia Thornbury. Staff: Michael Burleson, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Steve Hart and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; and Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Brian Fingerson, Pharmacist Recovery Network Committee; Ralph Bouvette, APSC; Dave Sallengs, Michael Smithson and Dave Hopkins, Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services; Neal Rosenblatt, Jack Carver; B. Mousu, Jr.; Joseph Hamm; Chris Killmeier, Peter Cohron and Sarah Spencer, Walgreens; Brad Hall, KPhA; Stephanie Sampson, University of Kentucky College of Pharmacy PY4 students. Melanie Curtis, Court Reporter, recorded the meeting.

MINUTES: On motion by Ms. Thornbury, seconded by Dr. Shely and passed unanimously, the Minutes with corrections of May 10, 2006 were adopted.

APPEARANCES:

Dave Sallengs, Michael Smithson, Dave Hopkins and Neal Rosenblatt of Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services presented a KASPER Trend Analysis.

Jack Carver. Mr. Carver was sworn in by Ms. Curtis, Court Reporter. Mr. Carver appeared before the Board to ask for reinstatement of his Kentucky pharmacist's license. Mr. Carver gave a brief overview of the events that led to the loss of his Kentucky pharmacist's license and his progress over the last year. Dr. Shely moved to reinstate with an Order of Reinstatement including stipulations as follows: Lifetime probation; maximum hours of work: 40 hrs/wk or 80 hrs/2wk, with exceptions to be approved by PRN Committee chairperson or Board President and notification provided to the Board; shall not serve as pharmacist-in-charge; may not have power of attorney during terms of probation; shall not be a preceptor; must provide copy of Agreed Order to all employers; must enter into an aftercare contract with PRN Committee, to include drug counselor if indicated; must submit signed release for Board access to all medical records; must attend NA/AA meetings no less than 4 times per week; must submit to the Board written monthly reports of all NA/AA meetings; must submit to random observed urine/blood drug screens, minimum of 6 with a maximum of 18; shall be subject to quarterly

inspections by the Board at all places of employment, audits to be conducted if necessary, the cost of each inspection not to exceed \$500, may petition the Board to reduce the number of inspections two years from the date of the Agreed Order if all the conditions of the Agreed Order have been satisfied; perpetual inventory of Scheduled II drugs to be required at each place of employment; cannot own a pharmacy or be employed at a pharmacy owned by a family member, shall not ingest any mood altering substances whether legend or nonlegend medications including alcohol; notification to the Board within 10 days of all legend and nonlegend drugs prescribed/ingested; Board or Board President to approve all pharmacies/worksites prior to employment; shall not dispense any drugs for himself or his family members; shall obtain all prescriptions and those of family members at pharmacy designated in writing to the Board; attendance at the University of Utah School on Alcoholism and Other Drug Dependencies, the South Eastern PRN meeting, or the CAPTASA conference within one year; provide the Board and PRN Committee with a written self-performance evaluation monthly; any violation of state and/or federal pharmacy or drug laws constitutes violation of Agreed Order and may result in an emergency suspension of pharmacist's license with terms that he may petition the Board for reinstatement no sooner than 5 years and 1 day pursuant to KRS 315. The Agreed Order shall be reported to NABP. Order of Reinstatement to be drafted and forwarded to Mr. Carver for his signature and upon its return to be signed by President Naseman. Ms. Thornbury seconded, and the motion passed unanimously.

BOARD REPORTS: **President.** 1) President Naseman discussed the issue of nursing homes repackaging and mail order, it was decided that this was a patient safety issue and is should be carefully reviewed and discussed at a later time. 2) President Naseman said that he would get the evaluation forms out to the committee by Friday.

Board Members. Mr. Orzali. Mr. Orzali stated that it would be nice to have name badges to wear to the meetings the board attends. Mr. Burleson said he thought that could be arranged.

Ms. Thornbury. Ms. Thornbury submitted a suggested composite of the job of Board President for the New Member Orientation Manual. Everyone should review and email comments to Ms. Thornbury and then Ms. Thornbury and Cheryl Lalonde will prepare a draft for the Board's consideration at a future date.

Board Executive Director. 1) MARS reports included for May 2006. 2) As of today 433 out of 713 pharmacies have renewed on line. 3) Katie is representing the Board at the DEA meeting.

PRN Chairperson. 1. PRN overtime report is in addendum packet. 2. Mr. Fingerson stated that he would be making a presentation at the Utah meeting.

CURRENT/PENDING CASES:

Ms. Thornbury moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Leake seconded, and the motion passed unanimously:

Case No. 04-0086C; Case 06-0007; Case 06-0009; Case 06-0010; Case 06-0029B; Case No. 05-0049; Case No. 05-0063; Case No. 05-0004C; Case No. 05-0004D; Case No. 06-0004A; Case 06-0018A; Case No. 05-0022A; Case No. 06-0025; Case No. 06-0035.

CORRESPONDENCE/COMMUNICATIONS:

ZACHARY STORER: Mr. Storer sent a letter asking permission to take the licensure examinations. The reason for the request was a DUI on 9/29/05. Mr. Orzali moved to request more information from the student; Dr. Shely seconded. The motion passed 4 to 1, with Ms. Thornbury voting NO.

NABP: Mr. Burleson and Ms. Lalonde will meet with Josh Bolin of NABP regarding wholesaler legislation. The Board will be presented with a draft of potential legislation for its consideration.

CONTINUING EDUCATION: Mr. Orzali moved to accept the continuing education programs 06-30 through 06-32 as recommended. Ms. Thornbury seconded, and the motion passed unanimously.

OLD BUSINESS: Central Fill Pharmacy. A draft of potential regulatory changes to allow for central fill in Kentucky was presented to the Board. After some discussion, Mr. Orzali moved to table the draft and ask for a second draft. The motion was seconded by Ms. Thornbury and passed unanimously.

NEW BUSINESS:

Federal law requires all forms of pseudoephedrine to be behind a pharmacy counter.

ADJOURNMENT: On motion by Dr. Shely, seconded by Ms. Simpson, and passed unanimously, President Naseman adjourned the meeting at 1:45 p.m. The next regularly scheduled Board meeting is scheduled to begin at 9:00 a.m. on July 12, 2006 at the Board Office.

Michael Burleson, Executive Director